The paragraph beginning at page 37, line 9:

The fragments generated by restriction endonuclease digestion of the promoters shown in SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, or SEQ ID NO:4 can be separated by agarose gel electrophoresis. The agarose gel band corresponding to the desired promoter fragment can be cut out of the agarose gel. The fragment can be isolated and purified from the agarose gel by, for example, electroelution or kits such as QIAquick™ gel extraction kit or QIAEX® II Gel Extraction System (Qiagen Cat. No. 28704 and 20021).

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IN THE CLAIMS

Please substitute the following amended claims for corresponding claims previously presented. A copy of the amended claims showing current revisions is attached.

Please cancel all of the claims in this application, namely claims 1-29, and replace by the following new claims:

30. (New) An isolated and purified polynucleotide selected from the group consisting of SEQ ID NO:4 and variants thereof having along their entire length a sequence identity of at least 90%, wherein the polynucleotide is operative as a promoter to express a nucleic acid molecule encoding a polypeptide when operably linked to said nucleic acid molecule.

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31. (New) A polynucleotide according to claim 30 being a variant with a sequence identity greater than 95%.

32. (New) A polynucleotide according to claim 30 being SEQ ID NO:4.

33. (New) An isolated and purified polynucleotide selected from the group consisting of SEQ ID NO:4 and variants thereof having along their entire length a sequence identity of at least 90%, wherein the polynucleotide has promoter activity as determined by the steps of:

(a) cloning the polynucleotide into a yeast expression vector, wherein the polynucleotide is operably linked to a reporter gene;

(b) transforming yeast cells with the yeast expression vector;

(c) growing the yeast cells in yeast cell culture under conditions favorable for expression of the reporter gene; and

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(d) assaying the yeast culture for a reporter protein expressed by the reporter gene;

wherein expression of the reporter gene indicates the polynucleotide has promoter activity.

34. (New) A yeast expression vector comprising the polynucleotide of claim 30.

35. (New) The yeast expression vector of claim 34 wherein the yeast expression vector is selected from the group consisting of pZEO1P+luc and pZEO1P.

36. (New) The yeast expression vector of claim 34 wherein promoter activity is

controlled by varying the level of a non-fermentable carbon source in a medium of yeast cells in culture, wherein the yeast cells are transformed with said yeast expression vector.

37. (New) The yeast expression vector of claim 36 wherein the non-fermentable carbon source is ethanol.

38. (New) A yeast expression vector comprising a polynucleotide selected from the group consisting of SEQ ID NO:4 and variants thereof having along their entire length a sequence identity of at least 90%, wherein the polynucleotide is operative as a promoter to express a nucleic acid molecule encoding a polypeptide when operably linked to said nucleic acid molecule, wherein promoter activity is controlled by varying the level of a fermentable carbon source in a medium of yeast cells in culture, wherein the yeast cells are transformed with said yeast expression vector.

39. (New) The yeast expression vector of claim 38 wherein the fermentable carbon source is glucose.

40. (New) A yeast expression vector comprising a polynucleotide selected from the group consisting of SEQ ID NO:4 and variants thereof having along their entire length a sequence identity of at least 90%, wherein the polynucleotide is operative as a promoter to express a nucleic acid molecule encoding a polypeptide when operably linked to said nucleic acid molecule, wherein promoter activity is controlled by varying

the level of a fermentable carbon source and a non-fermentable carbon source in a medium of yeast cells in culture, wherein the yeast cells are transformed with said yeast expression vector.

41. (New) The yeast expression vector of claim 40 wherein the fermentable carbon source is glucose.

42. (New) The yeast expression vector of claim 40 wherein the non-fermentable carbon source is ethanol.

43. (New) A yeast cell transformed with the yeast expression vector of claim 34.

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44. (New) A yeast cell transformed with the yeast expression vector of claim 35.

45. (New) A method for producing a polypeptide comprising the steps of:

(a) constructing a yeast expression vector wherein a nucleic acid encoding the polypeptide is controlled by the polynucleotide of claim 30;

(b) transforming a culture of yeast cells with the yeast expression vector;

(c) maintaining the yeast cells in culture so that the polypeptide is expressed; and

(d) recovering the polypeptide.

46. (New) A method for producing a polypeptide comprising the steps of:

(a) cloning a nucleic acid molecule encoding the polypeptide into an expression vector selected from the group consisting of pZEO1P+luc and pZEO1P, wherein the nucleic acid molecule is operably linked to a promoter of the expression vector;

(b) transforming a culture of yeast cells with the yeast expression vector;

(c) maintaining the yeast cells in culture so that the polypeptide is expressed; and

(d) recovering the polypeptide.

47. (New) A method for producing a polypeptide comprising the steps of:

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(a) constructing a yeast expression vector wherein a nucleic acid molecule encoding the polypeptide is controlled by the polynucleotide of claim 30;

(b) transforming a culture of yeast cells with the yeast expression vector;

(c) maintaining the yeast cells in culture medium and controlling the expression of the nucleic acid molecule encoding the polypeptide by varying the level of a fermentable carbon source in the culture medium; and

(d) recovering the polypeptide.

48. (New) The method of claim 47 wherein the fermentable carbon source is glucose.

49. (New) A method for producing a polypeptide comprising the steps of:

(a) constructing a yeast expression vector wherein a nucleic acid molecule

encoding the polypeptide is controlled by the polynucleotide of claim 30;

(b) transforming a culture of yeast cells with the yeast expression vector;

(c) maintaining the yeast cells in culture medium and controlling the expression of the nucleic acid molecule encoding the polypeptide by varying the level of a non-fermentable carbon source in the culture medium; and

(d) recovering the polypeptide.

50. (New) The method of claim 49 wherein the non-fermentable carbon source is ethanol.

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51. (New) A method for producing a polypeptide comprising the steps of:

(a) constructing a yeast expression vector wherein a nucleic acid molecule encoding the polypeptide is controlled by the polynucleotide of claim 30;

(b) transforming a culture of yeast cells with the yeast expression vector;

(c) maintaining the yeast cells in culture medium and controlling the expression of the nucleic acid molecule encoding the polypeptide by varying the level of a fermentable carbon source and a non-fermentable carbon source in the culture medium; and

(d) recovering the polypeptide.

52. (New) The method of claim 51 wherein the fermentable carbon source is glucose.

53. (New) The method of claim 51 wherein the non-fermentable carbon source is ethanol.

54. (New) A method of identifying a polynucleotide having promoter activity comprising the steps of:

(a) generating a polynucleotide according to claim 30;

(b) cloning the polynucleotide into a yeast expression vector, wherein the polynucleotide is operably linked to a reporter gene;

(c) transforming yeast cells with the yeast expression vector;

(d) growing the yeast cells in yeast cell culture under conditions favorable for expression of the reporter gene; and

(e) assaying the yeast culture for a reporter protein expressed by the reporter gene;

wherein expression of the reporter gene indicates the polynucleotide has promoter activity.